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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,756	11/28/2000	David C. Wilkins	DIGIP024	8449

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EXAMINER

DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,756

Applicant(s)

WILKINS ET AL.

Examiner

Mehrdad Dastouri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the U.S. provisional application No. 60/128,880 from which a priority has been claimed is not indicated in the declaration.

Specification

2. The disclosure is objected to because of the following informalities:

In Page 1, Line 17 of the specification, the missing co-pending U.S. application number should be included. In Page 1 of the specification, reference to the Attorney's Docket Number should be deleted.

Appropriate correction is required.

Claim Objection

3. Claims 1-17 are objected to because of the following informalities:

"The original image" is defined as "digital negative" in the specification Page 2, Line 13. In all occurrences in the claims, the phrase "original digital negative" should be properly revised to prevent ambiguity (i.e., original original image).

Claims 3 (second occurrence) through Claim 17 should be renumbered to read Claims 4-18 to correct the inadvertently numbered multiple Claim 3.

In Line 1 of Claims 7 and 16 (original Claims 6 and 15, respectively), "comprising;" should be corrected to "comprising:".

Claims 2-9 depend on Claim 1. Claims 11-18 depend on Claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5 (original Claim 4), 7-12 (original Claims 6-11), 14 (original Claim 13) and 16-18 (original Claims 15-17) are rejected under 35 U.S.C. 102(b) as being anticipated by Bown et al (U.S. 4,414,621).

Regarding Claim 1, Bown et al disclose in a distributed network, a method of recursively linking a multiply modified multimedia asset to an original digital negative of the multimedia asset, comprising:

(a) modifying the original digital negative of the multimedia asset to form a first resultant multimedia asset (Figures 1 and 2; Column 3, Lines 33-50);

(b) generating a first edit list based upon the modifying (a) (Figures 1 and 2; Column 3, Lines 50-59; Column 4, Lines 10-67);

(c) associating the first edit list to the first resultant multimedia asset (Figures 1 and 2; Column 3, Lines 50-59);

(d) linking the first edit list to the original digital negative of the multimedia asset (Figures 1-5; Column 1, Lines 67-68, Column 2, Lines 1-43; Column 4, Lines 22-66; Column 6, Lines 1-8);

(e) modifying the first resultant multimedia asset to form a second resultant multimedia asset (Figures 1-5; Column 2, Lines 3-21; Column 2, Lines 63-68, Column 3,

Lines 1-9; Column 3, Lines 54-59; Column 4, Lines 65-68; Column 5, Lines 1-15. The multimedia asset (e.g., a visual picture) does not remain static; any user can add to or modify the picture, and these changes are communicated to all others. The second user interaction will result in modifying the first resultant multimedia asset to a second resultant multimedia asset.);

(f) generating a second edit list based upon the modifying (e) (Figures 1 and 2; Column 3, Lines 50-59; Column 4, Lines 10-67);

(g) associating the second edit list to the second resultant multimedia asset (Figures 1 and 2; Column 3, Lines 50-59); and

(h) linking the second edit list to the first resultant multimedia asset (Figures 1-5; Column 1, Lines 67-68, Column 2, Lines 1-43; Column 4, Lines 22-66; Column 6, Lines 1-8).

Regarding Claim 2, further disclose a method as recited in Claim 1, wherein the multimedia asset is a digital image (Figures 1 and 2; Column 2, Lines 63-68, Column 3, Lines 1-9; Column 3, Lines 43-50).

Regarding Claim 3, Bown et al further disclose a method as recited in Claim 2, wherein the linking (d) comprises:

associating a first edit list pointer with the original digital negative wherein the first edit list pointer points back to the first edit list (Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 5 (original Claim 4), Bown et al further disclose a method as recited in Claim 2, wherein the linking (h) comprises:

associating a second edit list pointer to the second resultant digital image wherein the second edit list pointer points back to the second edit list (Column 2, Lines 63-68, Column 3, Lines 1-9; Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 7 (original Claim 6), Bown et al further disclose a method as recited in Claim 1, further comprising;

recursively repeating (e) - (h) to form a set of hierarchically layered resultant multimedia assets and an associated set of hierarchically layered edit lists, wherein a particular multimedia asset at an nth level of the set of hierarchically layered multimedia assets is an nth multiply modified multimedia asset (Figures 1-5; Column 2, Lines 3-21; Column 2, Lines 63-68, Column 3, Lines 1-9; Column 3, Lines 54-59; Column 4, Lines 65-68; Column 5, Lines 1-15. The multimedia asset (e.g., a visual picture) does not remain static; any user can add to or modify the picture, and these changes are communicated to all others. The second user interaction will result in modifying the first resultant multimedia asset to a second resultant multimedia asset.); and

applying a set of n hierarchically layered edit lists to the original digital negative to form the particular multimedia asset (Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 8 (original Claim 7), Bown et al further disclose a method as recited in Claim 2, wherein the applying is performed by a processor arranged to perform executable instructions (Figure 1, Processor 12; Column 3, Lines 10-59).

Regarding Claim 9 (original Claim 8), Bown et al further disclose a method as recited in Claim 8 (original Claim 7), wherein the processor is included in a host computer coupled to a distributed network of computers (Figure 1, Processor 12; Column 3, Lines 10-59).

With regards to Claim 10 (Original Claim 9), arguments analogous to those presented for Claim 1 are applicable to Claim 10 (Original Claim 9).

With regards to Claim 11 (Original Claim 10), arguments analogous to those presented for Claim 2 are applicable to Claim 11 (Original Claim 10).

With regards to Claim 12 (Original Claim 11), arguments analogous to those presented for Claim 3 are applicable to Claim 12 (Original Claim 11).

With regards to Claim 14 (Original Claim 13), arguments analogous to those presented for Claim 5 are applicable to Claim 14 (Original Claim 13).

With regards to Claim 16 (Original Claim 15), arguments analogous to those presented for Claim 7 are applicable to Claim 16 (Original Claim 15).

With regards to Claim 17 (Original Claim 16), arguments analogous to those presented for Claim 8 are applicable to Claim 17 (Original Claim 16).

With regards to Claim 18 (Original Claim 17), arguments analogous to those presented for Claim 9 are applicable to Claim 18 (Original Claim 17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6, 13 and 15 (original Claims 3, 5, 12 and 14, respectively) are rejected under 35 U.S.C. 103(a) as being unpatentable over Bown et al (U.S. 4,414,621).

Regarding Claim 4 (original Claim 3), Bown et al do not explicitly disclose a method as recited in Claim 2, wherein the linking (d) comprises:

embedding the first edit list in the first resultant digital image.

Embedding information in a digital image (e.g., watermarking) is well known in image processing (Official Notice).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bown et al invention to embed the first edit list in the first resultant digital image because it is a well known procedure routinely implemented in image processing (e.g., watermarking) for authentication and secure data transmission.

With regards to Claim 6 (original Claim 5), arguments analogous to those presented for Claim 4 (original Claim 3) are applicable to Claim 6 (original Claim 5) concerning embedding the second edit list in the second resultant digital image.

With regards to Claim 13 (original Claim 12), arguments analogous to those presented for Claim 4 (original Claim 3) are applicable to Claim 13 (original Claim 12).

With regards to Claim 15 (original Claim 14), arguments analogous to those presented for Claim 6 (original Claim 5) are applicable to Claim 15 (original Claim 14).

Other Prior Art Cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,131,088 to Hill is cited for electronic catalog system and method.

U.S. Patent 5,970,471 to Hill is cited for Virtual catalog and product presentation method and apparatus.

U.S. Patent 5,659,692 to Poggio et al is cited for Computer method and apparatus for video conferencing.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (703) 305-2438. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Customer Service Office whose telephone number is (703) 306-0377.

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri

Mehrdad Dastouri
Primary Examiner
Group Art Unit 2623
September 3, 2003